

TOWN OF THORNTON PLANNING BOARD

Approved on: 12/20/2018
PB Initials: SB
Rec'd by Town Clerk on: 1/4/18
Town Clerk Initials: dfm

Planning Board Meeting Minutes Thursday November 15, 2018

CALL TO ORDER – SALUTE TO THE FLAG:

Chairman S. Babin called in from out of town and as the result was in attendance, via telephone, utilizing speakerphone function. Due to his physical absence S. Babin voluntarily relinquished the chair to Vice-Chairman F. Freeman who called the meeting to order and led the Pledge of Allegiance at 6:00 p.m.

ROLL CALL:

Members present: S. Babin (via telephone), B. Dutto, F. Freeman, L. Hoyt, D. O'Donnell, J. Piehn
Alternates present: G. Kimball, C. Schofield
Members/Alternates absent: B. Benton, F. Gunter

Vice-Chairman Freeman then acknowledged that a quorum was present.

Others present: Brian Regan, Sean Byrnes, Holly Hoyt, Sophie Murray, Abigail Walker

APPROVAL OF MINUTES: Upon distribution and review of the meeting minutes of October 18, 2018 the members took the following action:

MOTION: "To accept and approve the Minutes of the Thursday October 18, 2018 meeting as amended."

Motion: D. O'Donnell

Second: J. Piehn

Discussion: B. Regan advised he had received corrections and/or amendments from the board and made the appropriate changes

Motion passes: 6-YES, 0-NO,

PRELIMINARY BUSINESS:

Guest Observers:

B. Regan acknowledged the presence of some guest observers at the meeting. Holly Hoyt, Sophie Murray and Abbie Walker introduced themselves as students for Plymouth Regional High School. H. Hoyt explained that they were present to complete a class assignment to learn about local meetings. She further stated the project was for their Civics class.

F. Freeman welcomed the special guests to the meeting.

1. Preliminary Consultation & Review - J.L. Sullivan's Pub, LLC as to existing signage at the 891 NH Rt. 49.

F. Freeman recognized B. Regan to report on the matter.

B. Regan distributed copies of the property owner's letter and accompanying photographs of a sign.

B. Regan then presented an overview of the situation surrounding the existing sign structure and the proposal to relocate an existing sign in order to identify the new business.

Both the owner's request and B. Regan's report cited Section 7 of the Thornton Sign Regulations as being applicable to the circumstances at the property in question.

General discussion of the matter was carried out among board members.

After review and consideration, the board took the following action:

Motion: “To acknowledge the property owner’s intent to update the existing sign pursuant to Section 7. of the Thornton Sign Regulations without further submittals or application to the Planning Board.”

Motion: B. Dutto

Second: J. Piehn

Discussion: None

Motion Passes: 6-0

COMMUNICATIONS: None

REPORTS:

Planning Director report(s):

- Planner Review regarding item H. 1.
B. Regan drew the board’s attention to his Planner Review attached to the application for H.1 below.
- Planner Review regarding item H. 2.
B. Regan drew the board’s attention to his Planner Review attached to the application for H.2 below.

UNFINISHED BUSINESS:

1. See H 2. Below.

HEARINGS:

1. APPLICATION/PUBLIC HEARING- 6:15 pm: Boundary Line Adjustment submitted by Sean Byrnes for his properties at, and adjacent to, **532 Upper Mad River Road** (Tax Map 17 Lot 07-45-03 and Map 17 Lot 07-46)

F. Freeman read the foregoing and opened the public hearing at 6:15 pm.

B. Regan advised the board that the application is for a boundary line adjustment involving 2 lots in common ownership to allow the owner be able to comply with the current Zoning Ordinance and to seek permitting to add to an existing garage structure. He further stated the initial proposal would have presented very irregular lot lines. After recommending they be prepared to either “make a case” for the irregularities or to “request a waiver” he said the applicant voluntarily amended the plan to what is now presented.

F. Freeman commented that the revised plan still seems to create “irregular lots”.

S. Byrnes explained that the plan, as proposed is his “best option to add to his existing garage”.

B. Regan advised the board that he had been contacted by abutter Peter DeMarco who had expressed the following concerns:

- Is the owner carrying on a Home Occupation, or something more?
- A provision in deeds to the involved subdivision call for “a twenty-five foot vegetated buffer” at the rear lot line of each parcel”.

B. Regan also indicated that Mr. DeMarco noted, despite his concerns, he would not oppose the Boundary Line Adjustment proposal.

S. Byrnes stated that most of his welding work was done at the customer’s site and not on his property.

F. Freeman asked if Voluntary Merger may have been an easier way to go?

S. Byrnes stated he felt it wasn’t in his best interests because if he “wanted to sell the lot” he “would have to subdivide”.

J. Piehn made the observation that the word “Bounary” in the plan title should be corrected to “Boundary”.

B. Dutto noted he saw “no problem with the request” and stated he was “in support of local small business”.

F. Freeman closed the hearing at 6:37 p.m. and asked for the wishes of the board.

The board then took the following action:

MOTION: "To accept the application for Boundary Line Adjustment submitted by Sean Byrnes for his properties at, and adjacent to, 532 Upper Mad River Road (Tax Map 17 Lot 07-45-03 and Map 17 Lot 07-46) as complete."

Motion: F. Freeman
Second: D. O'Donnell
Discussion: None
Motion passes: 6-YES, 0-NO

MOTION: "To approve the application for Boundary Line Adjustment submitted by Sean S. Byrnes for his properties at, and adjacent to, 532 Upper Mad River Road (Tax Map 17 Lot 07-45-03 and Map 17 Lot 07-46) upon fulfillment the following conditions:

- 1. The final plan and Mylar be corrected to reflect accurate spelling.**
- 2. Applicant submits applicable recording fees"**

Motion: D. O'Donnell
Second: B. Dutto
Discussion: None
Motion passes: 6-YES, 0-NO

S. Byrnes thanked the Planning Board and the Town of Thornton for allowing him to maintain his home-based business. He further made mention of his lifelong struggle with a speech impediment which he has had a hard time with throughout his lifetime. He stated that having a homed based business has been a great help to him in dealing with his handicap, and affording him the opportunity to make a living on his own.

S. Byrnes stated he would see that the Mylar and paper copies are corrected and returned for signature and recording.

2. APPLICATION - 6:30 pm: APPLICATION/PUBLIC HEARING-6:30 pm: (continued from October 18, 2018) Application for Site Plan Review-Amy, Charles & Linda Pitman property at 3447 U.S. Rte. 3, Tax Map 6 Lot 5-1 for development/change of use for operating a "boutique" winery, café & gift shop in and upon the property.

F. Freeman read the foregoing and re-opened the matter at 6:38 p.m.
B. Regan presented a "Planner Review" stating the applicants had made a request, that the matter be continued for one month while they continue to work with NH DOT.
After consideration of the applicant's request and the Planner Review, the board took the following action:

MOTION: "I move that the board grant the applicants' request for continuance and place the matter on the agenda for Thursday December 20th at 6:30 p.m."

Motion: F. Freeman
Second: D. O'Donnell
Discussion: None

3. PUBLIC HEARING- 6:45 pm Proposed Zoning Ordinance Amendment(s):

ARTICLE VIII: GENERAL PROVISIONS A. Accessory Apartments (proposed changes to section to be consistent with the Accessory Dwelling Units provisions of NH RSA 674: 71-72).

ARTICLE XV: FLOOD PLAIN, SECTION IV: CONSTRUCTION REQUIREMENTS & SECTION VII: OTHER PERMITS, (proposal to change from references to “building permits” to references to “Zoning Compliance Applications”)

F. Freeman read the foregoing and re-opened the matter at 6:45 p.m.

B. Regan re-distributed documents reflecting some proposed changes to the Zoning Ordinance for the board’s further review and consideration. They were entitled: “existing provisions”, “proposed revisions” and “applicable statutory provisions”.

F. Freeman asked if someone is looking to build, they need to come to town hall to get a “Zoning Compliance Application” although they may refer to it as a “building permit”?

B. Regan responded, yes.

J. Piehn, note the terms “compliance officer” is in the document. Do we have a compliance officer?

B. Regan stated that the Board of Selectmen is the “Compliance Officer” and has the responsibility for enforcement.

B. Regan further stated, with regard to Article XV, Sections IV & VII, it basically a “housekeeping” matter and is necessary to clarify provisions that apply to their review of Zoning Compliance Applications.

He also stated, with respect to Article VIII the proposed amendments are to bring Thornton’s present provisions more in line with the state statute and its language as amended in 2016 regarding applications for “Accessory Dwelling Units” which are currently known as “Accessory Apartments” in the Thornton Zoning Ordinance.

After general discussion, the board concentrated on the provision requiring satisfaction of the provisions of NH RSA 485A-38 with regard to adequate septic/wastewater capacity.

F. Freeman, stated it would ultimately be the applicant’s responsibility no matter the extent of the language in the provision.

B. Dutto asked if there are any significant differences between the existing and proposed versions

B. Regan stated there were no fundamental differences.

J. Piehn said she liked the proposed revision but questioned whether the language about sewage and wastewater were sufficient to be clear to the public?

B. Regan noted that an applicant needs septic design approval from the state. He further noted that anyone seeking to construct an Accessory Apartment has an additional application process which also addresses the septic matters.

D. O’Donnell said it appears the proposed revision is more concise, and would be ok if explained further during the application processes.

C. Schofield offered her opinion that the older language seemed more thorough.

The board, by consensus, agreed that review of the Zoning Compliance and Accessory Apartment application forms may help them to address any concerns they now have about the streamlined language. They agreed to further review the documents and set the matter for further discussion and public hearing at next month’s meeting.

F. Freeman suggested that B. Regan review ADU Application and ZCA to see what language is included to address the septic issue.

The board then took the following action:

MOTION: “I move that the board continue the matter for further review and place it on the agenda for Thursday December 20th at 6:45 p.m.”

Motion: F. Freeman

Second: D. O’Donnell

Discussion: None

Motion passes: 6-YES, 0-NO

OTHER BUSINESS: None

ADJOURNMENT:

The following motion was made at 7:14 p.m.

MOTION: "To adjourn."

Motion: J. Piehn

Second: Leslie Hoyt

Discussion: None

Motion passes: 6-YES, 0-NO

Respectfully Submitted,

Brian Regan, Planning Director

Thornton Planning Board Meeting

November 15, 2018

6:00 p.m.

Sign In Sheet

PLEASE **PRINT** YOUR **NAME AND ADDRESS.**

Thank you!

	Name	Address
1.	Holly Hoyt	15 Waters Edge Road
2.	Sophie Murray	18 Longdon Street
3.	Abigail Walker	11 Horse Pasture Lane
4.	Sean BYRNE	552 Upper Med River Rd.
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